

**ASSEMBLY BILL**

**No. 66**

**Introduced by Assembly Member Pavley**

December 21, 2004

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An act to amend, repeal, and add Section 17071.75 of, and to add and repeal Sections 14022.7, 14702, 42238.25, 42238.26, 48003, 48004, and 48012 of, the Education Code, relating to kindergarten, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 66, as introduced, Pavley. Kindergarten.

(1) Existing law generally requires that a child be admitted to a kindergarten at the beginning of a school year, or at any time later in the same year, if the child will have his or her 5th birthday on or before December 2 of that school year. Existing law requires that a child be admitted to the 1st grade of an elementary school during the first month of a school year if the child will have his or her 6th birthday on or before December 2 of that school year. Existing law also establishes the Kindergarten Readiness Pilot Program, to be implemented commencing in the 2006–07 school year, and requires a participating school district to offer admission to kindergarten at the beginning of the school year, or at a later time in the same school year, only to children who will have their 5th birthday on or before September 1 of that school year and to make a corresponding change to the age at which a child is required to be admitted to the 1st grade, as specified. These pilot program provisions become inoperative on July 1, 2013, and are repealed as of January 1, 2014.

This bill would, until July 1, 2010, authorize specified school districts to change the age at which a child is required to be admitted

to kindergarten for one or more schools in the district so that a child would be admitted to kindergarten at the beginning of the school year or at any later time in the same school year, if the child will have his or her 5th birthday on or before September 1 of the school year. The bill would authorize the age change to be implemented over a one-year or 3-year period, as provided. The bill would also require a school district that implements the kindergarten age change to make a corresponding change to the age at which a child is required to be admitted to the first grade, as specified. The bill would require the State Department of Education to calculate the amount of the savings in apportionments for revenue limits and categorical programs realized in each fiscal year due to reduced enrollment or average daily attendance that occurs as a result of a school district voluntarily implementing the kindergarten age change. The bill would appropriate the savings identified by the department in each fiscal year to the department for that fiscal year to be allocated to each school district that voluntarily implements the kindergarten age change in an amount equal to the savings generated by the school district. The bill would require the funds to be used for prekindergarten programs, as provided. The funds appropriated by the bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

(2) Existing law sets forth a method of determining a school district's ongoing eligibility for new construction funding after an initial report of existing school building capacity has been completed.

This bill would, until July 1, 2010, require the State Board of Education to supplant that method with one that would eliminate any adverse impact on funding that would result when a school district voluntarily changes the age at which a pupil is required to be admitted to kindergarten pursuant to the bill.

(3) Existing law sets forth a method for computing the average daily attendance of pupils for the purpose of computing revenue limits for each school district.

This bill, in order to compensate a school district that voluntarily changes the age at which a pupil is required to be admitted to kindergarten for the loss in average daily attendance, would, until July 1, 2010, pursuant to a specified formula, increase the number of units of average daily attendance for a school district for the purpose of computing the revenue limit of a school district for each of the years

that the reduced kindergarten class or classes move from kindergarten to grade 12. The bill would require a school district to expend funds received pursuant to the formula to create and enhance prekindergarten programs in the district, as specified.

(4) Section 8 of Article XVI of the California Constitution (Proposition 98) sets forth a formula for computing the minimum amount of General Fund revenues that the state is required to appropriate for the support of school districts and community colleges for each fiscal year. That formula is adjusted in certain fiscal years for changes in pupil enrollment. Other existing law, the California State Lottery Act of 1984, an initiative measure, requires that specified percentages of annual revenues from the state lottery be allocated to public education. Existing law requires those payments to be made to public school districts on the basis of an equal amount for each unit of average daily attendance.

This bill would, until July 1, 2010, specify that for purposes of Proposition 98 and the California State Lottery Act of 1984, the computation of average daily attendance includes the total statewide number of units of average daily attendance computed pursuant to the bill.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. (a) It is the intent of the Legislature that school
- 2 districts inform parents and guardians of any new age limitations
- 3 for enrollment in kindergarten and first grade that are
- 4 implemented pursuant to this act.
- 5 (b) It is the intent of the Legislature that school districts
- 6 implement outreach efforts to inform parents of the benefits of
- 7 early education.
- 8 (c) It is the intent of the Legislature that school districts,
- 9 county offices of education, parents, and local government
- 10 agencies engage in discussions at the local level to develop
- 11 prekindergarten programs to better prepare children for the
- 12 elementary school learning experience.
- 13 (d) It is the intent of the Legislature that school districts assess
- 14 the readiness of a child before enrolling that child in
- 15 kindergarten, for the purpose of ensuring that the placement of a

1 pupil is complementary to the learning and behavioral capacity of  
2 a pupil.

3 (e) It is the intent of the Legislature that teachers not be  
4 displaced as a result of the implementation of this act by a school  
5 district.

6 SEC. 2. Section 14022.7 is added to the Education Code, to  
7 read:

8 14022.7. (a) Notwithstanding any other law, in calculating  
9 “changes in enrollment” for purposes of paragraph (2) or (3) of  
10 subdivision (b) of Section 8 of Article XVI of the California  
11 Constitution, the computation of average daily attendance for a  
12 fiscal year shall include the total statewide number of units of  
13 average daily attendance computed for that fiscal year pursuant  
14 to Sections 42238.25 and 42238.26.

15 (b) This section shall become inoperative on July 1, 2010, and,  
16 as of January 1, 2011, is repealed, unless a later enacted statute,  
17 that becomes operative on or before January 1, 2011, deletes or  
18 extends the dates on which it becomes inoperative and is  
19 repealed.

20 SEC. 3. Section 14702 is added to the Education Code, to  
21 read:

22 14702. (a) Notwithstanding any other law, for purposes of  
23 subdivision (a) of Section 8880.5 of the Government Code, the  
24 computation of average daily attendance for a fiscal year shall  
25 include the total statewide number of units of average daily  
26 attendance computed for that fiscal year pursuant to Sections  
27 42238.25 and 42238.26.

28 (b) This section shall become inoperative on July 1, 2010, and,  
29 as of January 1, 2011, is repealed, unless a later enacted statute,  
30 that becomes operative on or before January 1, 2011, deletes or  
31 extends the dates on which it becomes inoperative and is  
32 repealed.

33 SEC. 4. Section 17071.75 of the Education Code is amended  
34 to read:

35 17071.75. After a one-time initial report of existing school  
36 building capacity has been completed, a school district’s ongoing  
37 eligibility for new construction funding shall be determined by  
38 making all of the following calculations:

39 (a) (1) Each school district that applies to receive funding for  
40 new construction shall calculate enrollment projections for the

1 fifth year beyond the fiscal year in which the application is made.  
2 Projected enrollment shall be determined by utilizing the cohort  
3 survival enrollment projection system, as defined and approved  
4 by the board. The board may supplement the cohort survival  
5 enrollment projection by the number of unhoused pupils that are  
6 anticipated as a result of dwelling units proposed pursuant to  
7 approved and valid tentative subdivision maps.

8 *(2) For a school district that changes the age at which a child*  
9 *is required to be admitted to kindergarten pursuant to Section*  
10 *48003, the board shall supplant the cohort survival enrollment*  
11 *projection system by a system that eliminates any adverse impact*  
12 *on funding for new construction that would result from a decline*  
13 *in enrollment.*

14 (b) Add the number of pupils that may be adequately housed  
15 in the existing school building capacity of the applicant district as  
16 determined pursuant to Article 2 (commencing with Section  
17 17071.10) to the number of pupils for which facilities were  
18 provided from any state or local funding source after the existing  
19 school building capacity was determined pursuant to Article 2  
20 (commencing with Section 17071.10). For this purpose, the total  
21 number of pupils for which facilities were provided shall be  
22 determined using the pupil loading formula set forth in Section  
23 17071.25.

24 (c) Subtract the number of pupils pursuant to subdivision (b)  
25 from the number of pupils determined pursuant to subdivision  
26 (a).

27 (d) The calculations required to establish eligibility under this  
28 article shall result in a distinction between the number of existing  
29 unhoused pupils and the number of projected unhoused pupils.

30 (e) Apply the increase or decrease resulting from the  
31 difference between the most recent report made pursuant to  
32 Section 42268, and the report used in determining the school  
33 district's baseline capacity pursuant to subdivision (a) of Section  
34 17071.25.

35 (f) For a school district with an enrollment of 2,500, or less, an  
36 adjustment in enrollment projections shall not result in a loss of  
37 ongoing eligibility to that school district for a period of three  
38 years from the date of the approval of eligibility by the board.

39 *(g) This section shall become inoperative on July 1, 2010, and,*  
40 *as of January 1, 2011, is repealed, unless a later enacted statute,*

1 *that becomes operative on or before January 1, 2011, deletes or*  
2 *extends the dates on which it becomes inoperative and is*  
3 *repealed.*

4 SEC. 5. Section 17071.75 is added to the Education Code, to  
5 read:

6 17071.75. After a one-time initial report of existing school  
7 building capacity has been completed, a school district's ongoing  
8 eligibility for new construction funding shall be determined by  
9 making all of the following calculations:

10 (a) Each school district that applies to receive funding for new  
11 construction shall calculate enrollment projections for the fifth  
12 year beyond the fiscal year in which the application is made.  
13 Projected enrollment shall be determined by utilizing the cohort  
14 survival enrollment projection system, as defined and approved  
15 by the board. The board may supplement the cohort survival  
16 enrollment projection by the number of unhoused pupils that are  
17 anticipated as a result of dwelling units proposed pursuant to  
18 approved and valid tentative subdivision maps.

19 (b) Add the number of pupils that may be adequately housed  
20 in the existing school building capacity of the applicant district as  
21 determined pursuant to Article 2 (commencing with Section  
22 17071.10) to the number of pupils for which facilities were  
23 provided from any state or local funding source after the existing  
24 school building capacity was determined pursuant to Article 2  
25 (commencing with Section 17071.10). For this purpose, the total  
26 number of pupils for which facilities were provided shall be  
27 determined using the pupil loading formula set forth in Section  
28 17071.25.

29 (c) Subtract the number of pupils pursuant to subdivision (b)  
30 from the number of pupils determined pursuant to subdivision  
31 (a).

32 (d) The calculations required to establish eligibility under this  
33 article shall result in a distinction between the number of existing  
34 unhoused pupils and the number of projected unhoused pupils.

35 (e) Apply the increase or decrease resulting from the  
36 difference between the most recent report made pursuant to  
37 Section 42268, and the report used in determining the school  
38 district's baseline capacity pursuant to subdivision (a) of Section  
39 17071.25.

1 (f) For a school district with an enrollment of 2,500, or less, an  
2 adjustment in enrollment projections shall not result in a loss of  
3 ongoing eligibility to that school district for a period of three  
4 years from the date of the approval of eligibility by the board.

5 (g) This section shall become operative on July 1, 2010.

6 SEC. 6. Section 42238.25 is added to the Education Code, to  
7 read:

8 42238.25. (a) In order to compensate a school district that  
9 implements paragraph (1) of subdivision (a) of Section 48003 for  
10 the loss in average daily attendance resulting from changing the  
11 age at which a child is required to be admitted to kindergarten,  
12 the number of units of average daily attendance computed for the  
13 school district pursuant to Section 42238.5 for the purpose of  
14 computing the revenue limit of the school district pursuant to  
15 Section 42238 shall be increased for the school district for each  
16 of the 12 fiscal years following the implementation of the change  
17 in the age requirement, as follows:

18 (1) For each of the 12 fiscal years, determine the total number  
19 of units of average daily attendance generated for the current  
20 fiscal year by pupils enrolled in the class of pupils who entered  
21 kindergarten in the school year that the age change is  
22 implemented.

23 (2) Multiply the number determined in paragraph (1) by  
24 1.2727.

25 (b) The number of units of average daily attendance computed  
26 pursuant to Section 42238.5 shall be increased pursuant to  
27 subdivision (a) for the class of pupils who entered into  
28 kindergarten in the school year that the age change is  
29 implemented, as that class moves from kindergarten to grade 12,  
30 as follows:

31 (1) A school district having a kindergarten and grades 1 to 12,  
32 inclusive, shall increase the number of units of average daily  
33 attendance generated by the class of pupils who entered into  
34 kindergarten in the school year that the age change is  
35 implemented, for each of the 12 fiscal years as that class moves  
36 from kindergarten to grade 12.

37 (2) An elementary school district having a kindergarten and  
38 grades 1 to 8, inclusive, shall increase the number of units of  
39 average daily attendance generated by the class of pupils who  
40 entered into kindergarten in the school year that the age change is

1 implemented, for each of the eight fiscal years, as that class  
2 moves from kindergarten to grade 8.

3 (3) A high school district having grades 9 to 12, inclusive,  
4 shall increase the number of units of average daily attendance  
5 generated by the class of pupils who entered into kindergarten in  
6 the school year that the age change is implemented, for each of  
7 the four fiscal years, as that class moves through grades 9 to 12,  
8 inclusive.

9 (4) An elementary school district having a kindergarten and  
10 grades 1 to 6, inclusive, shall increase the number of units of  
11 average daily attendance generated by the class of pupils who  
12 entered into kindergarten in the school year that the age change is  
13 implemented, for each of the six fiscal years, as that class moves  
14 from kindergarten to grade 6.

15 (5) A high school district having grades 7 to 12, inclusive,  
16 shall increase the number of units of average daily attendance  
17 generated by the class of pupils who entered into kindergarten in  
18 the school year that the age change is implemented, for each of  
19 the six fiscal years, as that class moves through grades 7 to 12,  
20 inclusive.

21 (c) The average daily attendance of a school district shall be  
22 increased in each fiscal year pursuant to this section only to the  
23 extent that the state realizes a savings in each fiscal year due to  
24 the reduced enrollment that occurs as a result of a school district  
25 implementing paragraph (1) of subdivision (a) of Section 48005.

26 (d) A school district shall expend funds it receives pursuant to  
27 this section to create and enhance prekindergarten programs in  
28 the district in order to allow children who are not eligible for  
29 kindergarten to participate in a classroom setting learning  
30 environment.

31 (e) A school district shall administer a prekindergarten  
32 program funded pursuant to this section at schoolsites within the  
33 district. The school district may also administer the  
34 prekindergarten program by contracting with local entities. The  
35 prekindergarten program shall do all of the following:

36 (1) Provide children who are displaced as a result of voluntary  
37 implementation of Section 48003 and who are four or five years  
38 of age with a classroom setting learning environment.

39 (2) Administer a prekindergarten curriculum developed by the  
40 department.



1 (3) Provide instructors that hold a preliminary or professional  
2 clear credential, or hold a child development permit.

3 (f) This section shall become inoperative on July 1, 2010, and,  
4 as of January 1, 2011, is repealed, unless a later enacted statute,  
5 that becomes operative on or before January 1, 2011, deletes or  
6 extends the dates on which it becomes inoperative and is  
7 repealed.

8 SEC. 7. Section 42238.26 is added to the Education Code, to  
9 read:

10 42238.26. (a) In order to compensate a school district that  
11 implements paragraph (2) of subdivision (a) of Section 48003 for  
12 the loss in average daily attendance resulting from changing the  
13 age at which a child is required to be admitted to kindergarten,  
14 the number of units of average daily attendance computed for the  
15 school district pursuant to Section 42238.5 for the purpose of  
16 computing the revenue limit of the school district pursuant to  
17 Section 42238, shall be increased for the school district for each  
18 of the 14 fiscal years, following implementation of the change in  
19 the age requirement, as follows:

20 (1) For each of the 14 fiscal years, determine the total number  
21 of units of average daily attendance generated for the current  
22 fiscal year by pupils enrolled in the classes of pupils who entered  
23 into kindergarten in the three school years following  
24 implementation of the age change.

25 (2) Multiply the number determined in paragraph (1) by  
26 1.0909.

27 (b) The number of units of average daily attendance computed  
28 pursuant to Section 42238.5 shall be increased pursuant to  
29 subdivision (a) for those classes of pupils who entered into  
30 kindergarten in each of the three school years following  
31 implementation of the age change, as those classes move from  
32 kindergarten to grade 12, as follows:

33 (1) A school district having a kindergarten and grades 1 to 12,  
34 inclusive, shall increase the number of units of average daily  
35 attendance generated by the classes of pupils who entered into  
36 kindergarten in each of the three school years following  
37 implementation of the age change, for each of the 14 fiscal years,  
38 as those classes move from kindergarten to grade 12.

39 (2) An elementary school district having a kindergarten and  
40 grades 1 to 8, inclusive, shall increase the number of units of

1 average daily attendance generated by the classes of pupils who  
2 entered into kindergarten in each of the three school years  
3 following implementation of the age change, for each of the 10  
4 fiscal years, as those classes move from kindergarten to grade 8.

5 (3) A high school district having grades 9 to 12, inclusive,  
6 shall increase the number of units of average daily attendance  
7 generated by the classes of pupils who entered into kindergarten  
8 in each of the three school years following implementation of the  
9 age change, for each of the six fiscal years, as those classes move  
10 through grades 9 to 12, inclusive.

11 (4) An elementary school district having a kindergarten and  
12 grades 1 to 6, inclusive, shall increase the number of units of  
13 average daily attendance generated by the classes of pupils who  
14 entered into kindergarten in each of the three school years  
15 following implementation of the age change, for each of the eight  
16 fiscal years, as those classes move from kindergarten to grade 6.

17 (5) A high school district having grades 7 to 12, inclusive,  
18 shall increase the number of units of average daily attendance  
19 generated by the classes of pupils who entered into kindergarten  
20 in each of the three school years following implementation of the  
21 age change, for each of the seven fiscal years, as those classes  
22 move through grades 7 to 12, inclusive.

23 (c) The average daily attendance of a school district shall be  
24 increased in each fiscal year pursuant to this section only to the  
25 extent that the state realizes a savings in each fiscal year due to  
26 the reduced enrollment that occurs as a result of a school district  
27 implementing paragraph (2) of subdivision (a) of Section 48005.

28 (d) The district shall expend funds it receives pursuant to this  
29 section to create and enhance prekindergarten programs in the  
30 district in order to allow children who are not eligible for  
31 kindergarten to participate in a classroom setting learning  
32 environment.

33 (e) A school district shall administer the prekindergarten  
34 program funded pursuant to this section at schoolsites within the  
35 district. The school district may also administer the  
36 prekindergarten program by contracting with local entities. The  
37 prekindergarten program shall do all of the following:

38 (1) Provide children who are displaced as a result of voluntary  
39 implementation of Section 48003 and who are four or five years  
40 of age with a classroom setting learning environment.

1 (2) Administer a prekindergarten curriculum developed by the  
2 department.

3 (3) Provide instructors that hold a preliminary or professional  
4 clear credential, or hold a child development permit.

5 (f) This section shall become inoperative on July 1, 2010, and,  
6 as of January 1, 2011, is repealed, unless a later enacted statute,  
7 that becomes operative on or before January 1, 2011, deletes or  
8 extends the dates on which it becomes inoperative and is  
9 repealed.

10 SEC. 8. Section 48003 is added to the Education Code, to  
11 read:

12 48003. (a) Notwithstanding Section 48000, a school district  
13 enumerated in subdivision (c) may change the age at which a  
14 child is required to be admitted to kindergarten for one or more  
15 schools in its district pursuant to either of the following methods:

16 (1) The age change may be implemented so that a child shall  
17 be admitted to a kindergarten at the beginning of the school year,  
18 or at any later time in the same school year, if the child will have  
19 his or her fifth birthday on or before September 1 of that school  
20 year.

21 (2) The age change may be implemented over a three-year  
22 period as follows:

23 (A) In the first year, a child may be admitted to kindergarten at  
24 the beginning of the school year, or at any later time in the same  
25 school year, if the child will have his or her fifth birthday on or  
26 before November 1 of that school year.

27 (B) In the second year, a child may be admitted to  
28 kindergarten at the beginning of the school year, or at any later  
29 time in the same school year, if the child will have his or her fifth  
30 birthday on or before October 1 of that school year.

31 (C) In the third year, a child may be admitted to kindergarten  
32 at the beginning of the school year, or at any later time in the  
33 same school year, if the child will have his or her fifth birthday  
34 on or before September 1 of that school year.

35 (b) The governing board of any school district that changes the  
36 age at which a child is required to be admitted to kindergarten  
37 may, on a case-by-case basis, admit to a kindergarten a child  
38 having attained the age of four years at any time during the  
39 school year with the approval of the parent or guardian, subject  
40 to the both of the following conditions:

1 (1) The governing board determines that the admittance is in  
2 the best interests of the child.

3 (2) The parent or guardian is given information regarding the  
4 advantages and disadvantages and any other explanatory  
5 information about the effect of this early admittance.

6 (c) The authority to change the age at which a child is required  
7 to be admitted to kindergarten pursuant to subdivision (a) is  
8 granted as a pilot program to all of the following school districts:

- 9 (1) Clovis Unified School District.  
10 (2) Corning Union Elementary School District.  
11 (3) Laytonville Unified School District.  
12 (4) Lemoore Union Elementary School District.  
13 (5) Lincoln Unified School District.  
14 (6) Magnolia Elementary School District.  
15 (7) Moorpark Unified School District.  
16 (8) Mt. Shasta Union Elementary School District.  
17 (9) Newhall Elementary School District.  
18 (10) Orcutt Union Elementary School District.  
19 (11) Palermo Union Elementary School District.  
20 (12) Rialto Unified School District.  
21 (13) Surprise Valley Joint Unified School District.  
22 (14) Terra Bella Union Elementary School District.  
23 (15) Weed Union Elementary School District.

24 (d) This section shall become inoperative on July 1, 2010, and,  
25 as of January 1, 2011, is repealed, unless a later enacted statute,  
26 that becomes operative on or before January 1, 2011, deletes or  
27 extends the dates on which it becomes inoperative and is  
28 repealed.

29 SEC. 9. Section 48004 is added to the Education Code, to  
30 read:

31 48004. (a) The State Department of Education shall calculate  
32 for each school district that voluntarily implements Section  
33 48003, the amount of savings in apportionments for revenue  
34 limits and categorical programs realized in each fiscal year due to  
35 reduced enrollment or average daily attendance that occurs as a  
36 result of voluntarily implementing Section 48003. The savings  
37 identified by the department for each fiscal year is hereby  
38 appropriated to the department for that fiscal year to be allocated  
39 to each school district that implements Section 48003 in an  
40 amount equal to the savings generated by the school district.

1 (b) The funds shall be used by a school district to create and  
2 enhance prekindergarten programs in the district in order to allow  
3 children who are not eligible for kindergarten to participate in a  
4 classroom setting learning environment.

5 (c) The school district shall administer the prekindergarten  
6 program at schoolsites within the district. The school district may  
7 also administer the prekindergarten program by contracting with  
8 local entities. The prekindergarten program shall do allof the  
9 following:

10 (1) Provide children who are displaced as a result of voluntary  
11 implementation of Section 48003 and who are four or five years  
12 of age with a classroom setting learning environment.

13 (2) Administer a prekindergarten curriculum developed by the  
14 department.

15 (3) Provide instructors that hold a preliminary or professional  
16 clear credential, or hold a child development permit.

17 (d) For purposes of making the computations required by  
18 Section 8 of Article XVI of the California Constitution, the  
19 appropriation made by subdivision (a) shall be deemed to be  
20 “General Fund revenues appropriated to school districts,” as  
21 defined in subdivision (c) of Section 41202 for the applicable  
22 fiscal years, and included within the “total allocations to school  
23 districts and community college districts from General Fund  
24 proceeds of taxes appropriated pursuant to Article XIII B” as  
25 defined in subdivision (e) of Section 41202, for the applicable  
26 fiscal years.

27 (e) This section shall become inoperative on July 1, 2010, and,  
28 as of January 1, 2011, is repealed, unless a later enacted statute,  
29 that becomes operative on or before January 1, 2011, deletes or  
30 extends the dates on which it becomes inoperative and is  
31 repealed.

32 SEC. 10. Section 48012 is added to the Education Code, to  
33 read:

34 48012. (a) Notwithstanding Section 48010, a school district  
35 that changes the age at which a child is required to be admitted to  
36 kindergarten pursuant to Section 48003 shall also change the age  
37 at which a child is required to be admitted to the first grade of an  
38 elementary school as follows:

39 (1) A school district that changes the age at which a child is  
40 required to be admitted to kindergarten pursuant to paragraph (1)

1 of subdivision (a) of Section 48003 shall in the second school  
2 year following implementation of the kindergarten age change  
3 admit a child to the first grade of an elementary school during the  
4 first month of the school year if the child will have his or her  
5 sixth birthday on or before September 1 of that school year.

6 (2) A school district that changes the age at which a child is  
7 required to be admitted to kindergarten pursuant to paragraph (2)  
8 of subdivision (a) of Section 48003 shall change the age at which  
9 a child may be admitted to first grade as follows:

10 (A) In the second school year following implementation of the  
11 kindergarten age change, the school district shall admit a child to  
12 the first grade of an elementary school during the first month of  
13 the school year if the child will have his or her sixth birthday on  
14 or before November 1 of that school year.

15 (B) In the third school year following implementation of the  
16 kindergarten age change, the school district shall admit a child to  
17 the first grade of an elementary school during the first month of  
18 the school year if the child will have his or her sixth birthday on  
19 or before October 1 of that school year.

20 (C) In the fourth school year following implementation of the  
21 kindergarten age change, the school district shall admit a child to  
22 the first grade of an elementary school during the first month of  
23 the school year if the child will have his or her sixth birthday on  
24 or before September 1 of that school year.

25 (b) The governing board of a school district that changes the  
26 age at which a child may be admitted to the first grade of an  
27 elementary school pursuant to this section shall develop criteria  
28 to allow for enrollment flexibility for a child who is not eligible  
29 to attend first grade. The criteria shall include, but is not limited  
30 to, a consideration of whether a child has already completed one  
31 year of kindergarten.

32 (c) This section shall become inoperative on July 1, 2010, and,  
33 as of January 1, 2011, is repealed, unless a later enacted statute,  
34 that becomes operative on or before January 1, 2011, deletes or  
35 extends the dates on which it becomes inoperative and is  
36 repealed.